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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,647	01/23/2009	Pieter Johannes Werkman	NL03 1399 US1	4791

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
STAPLETON, ERIC	

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
06/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/579,647	WERKMAN ET AL.	
	Examiner	Art Unit	
	ERIC STAPLETON	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/15/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a)

and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 8 rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/00027130 A1 to Miyata, hereinafter, "Miyata".

Miyata discloses:

Regarding claim 1: a film heating element (para [0032]), at least comprising an aluminum substrate (para [0033]), an electrically insulating layer which is based on a sol-gel precursor (para [0072] and [0116]), and an electrically resistive layer (para [0115]) with a thickness smaller than 2 µm (para [0090] and [0251]-[0252]);

Regarding claim 2: the electrically resistive layer comprises an inorganic material (the inorganic adhesive agent can be part of the resistive layer) (para [0116]);

Regarding claim 5: the heating element further comprises a conductive layer (para [0073] and [0096]); and

Regarding claim 8: a method of manufacturing a heating element according to claim 1 (abstract), at least comprising the steps of: providing an aluminum substrate (para [0033]); applying an electrically insulating layer on the substrate (Fig. 24 and para [0267]-[0276]); and applying a resistive layer on top of the electrically insulating layer (para [0115]), characterized in that the electrically insulating layer is obtained by means of a sol-gel process (para [0072] and [0116]) and the resistive layer has a thickness smaller than 2 µm (para [0090] and [0251]-[0252]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyata in view of US 2003/0042241 A1 to Uekawa et al., hereinafter, "Uekawa".

Miyata discloses substantially all of the features of the claimed invention as set forth above.

Miyata fails to disclose:

the sol-gel precursor is a hybrid sol-gel precursor comprising an organosilane compound (as recited in claim 3); and

the organosilane compound comprises methyl-trimethoxysilane or methyl-triethoxysilane (as recited in claim 4).

However, Uekawa discloses:

Regarding claim 3: the sol-gel precursor is a hybrid sol-gel precursor comprising an organosilane compound (para [0093]); and

Regarding claim 4: the organosilane compound comprises methyl-trimethoxysilane or methyl-triethoxysilane (para [0093]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyata as suggested and taught by Uekawa in order to provide effective coupling treatment as a method of substrate pretreatment (Uekawa: para [0093]).

Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Miyata in view of US 6,617,554 B2 to Moon et al., hereinafter, "Moon".

Miyata discloses substantially all of the features of the claimed invention as set forth above.

Miyata fails to disclose:

an electrical domestic appliance comprising at least a heating element in accordance with claim 1 (as recited in claim 6); and

an electrical domestic appliance according to claim 6, characterized in that the electrical domestic appliance comprises a (steam) iron, a hair dryer, a hair styler, a steamer and a steam cleaner, a garment cleaner, a heated ironing board, a facial steamer, a kettle, a pressurized boiler for system irons and cleaners, a coffee maker, a deep-fat fryer, a rice cooker, a sterilizer, a hot plate, a hot-pot, a grill, a space heater, a waffle iron, a toaster, an oven, or a water flow heater (as recited in claim 7).

However, Moon discloses:

Regarding claim 6: an electrical domestic appliance (abstract) comprising at least a heating element with an aluminum ceramic based on a sol-gel precursor (col 4, ln 64-67 and col 5, ln 1-13); and

Regarding claim 7: an electrical domestic appliance according to claim 6, characterized in that the electrical domestic appliance comprises a (steam) iron, a hair dryer, a hair styler, a steamer and a steam cleaner, a garment cleaner, a heated ironing board, a facial steamer, a kettle, a pressurized boiler for system irons and cleaners, a coffee maker, a deep-fat fryer, a rice cooker, a sterilizer, a hot plate, a hot-pot, a grill, a space heater, a waffle iron, a toaster, an oven, or a water flow heater (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyata as suggested and taught by Moon in order to provide a heating unit to heat the cooking enclosure of an oven (Moon: col 1, ln 12-17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC STAPLETON whose telephone number is (571)270-3492. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henry Yuen/
Supervisory Patent Examiner, TC 3700

Eric Stapleton
/ERIC STAPLETON/
3 June 2011
Examiner, Art Unit 3742